

IAP7 Rec'd PCT/PTO 18 AUG 2006

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Michael BUSCHLE
Karen LINGNAU

Serial No.: 10/550,820

Filed: September 23, 2005

For: USE OF ALUM AND A TH1 IMMUNE
RESPONSE INDUCING ADJUVANT
FOR ENHANCING IMMUNE
RESPONSES

Group Art Unit: Unknown

Examiner: Unknown

Atty. Dkt. No.: SONN:077US

EXPRESS MAIL MAILING LABEL	
NUMBER	EV 414867397 US
DATE OF DEPOSIT	August 18, 2006

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C.
371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

MS PCT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In response to the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US), dated June 19, 2006, there are enclosed herewith:

- (a) Substitute Sequence Statement;
- (b) Paper Copy of Substitute Sequence Listing;
- (c) Computer Readable Form (CRF);

- (d) A copy of Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US);

The Notification of Missing Requirements states that an “oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b)” must be furnished within the period set forth in order to complete the requirements for acceptance under 35 U.S.C. 371. This is incorrect, for the reasons set forth below.

37 CFR 1.497(a) states, in part:

- (a) When an applicant of an international application desires to enter the national stage under 35 U.S.C. 371 pursuant to §1.495, and **a declaration in compliance with this section has not been previously submitted in the international application under PCT Rule 4.17(iv) within the time limits provided for in PCT Rule 26ter.1**, he or she must file an oath or declaration... (emphasis added)

A proper declaration under PCT Rule 4.17(iv) was included with the PCT Request; the Request was signed by all the inventors in Box No. X of the Request as allowed by the PCT rules (“[w]here the declaration is included in the request, the inventor(s) need not sign and date the declaration if they have signed in Box No. X of the request”); and a copy of the Request was provided to the Office on September 23, 2005, the date this application was submitted to the Office by Express Mail for entry into the national stage. The copy of the PCT Request submitted to the Office on September 23, 2005, identifies both the international application to which it is directed and the filing date of the international application.

Additionally, PCT Rule 51*bis*.2 states, in part (b):

- (b) Where the applicable national law requires that national applications be filed by the inventor, **the designated Office shall not, unless it may reasonably doubt the veracity of the indications or declaration concerned, require any document or evidence:**

(iii) containing an oath or declaration of inventorship (Rule 51bis.1(a)(iv)), if a declaration of inventorship, in accordance with Rule 4.17(iv), is contained in the request or is submitted directly to the designated Office. (emphasis added)

Therefore, a proper declaration pursuant to PCT Rule 4.17(iv) was submitted in this national stage application, and no additional oath or declaration is required. Further, as indicated in the Notification of Missing Requirements, all other items required for acceptance under 35 U.S.C. 371 were submitted by Applicants on September 23, 2005. Pursuant to the above, this application is to be accorded a 371 date of September 23, 2005.

In addition, Applicants maintain that, in view of the above, the \$130.00 surcharge requested in the Notification of Missing Requirements is not due and should be waived. If, for some reason, the Office determines that the \$130.00 surcharge is still due, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, then the Commissioner is authorized to deduct or credit the appropriate fees from or to Fulbright & Jaworski Deposit Account No.: 50-1212/SONN:077US.

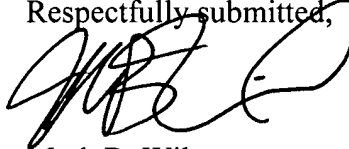
Please date stamp and return the accompanying postcard to evidence receipt of these documents.

08/23/2006 HXAYPASH 00000073 501212 10550820
01 FC:1617 130.00 DA

FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701
(512) 474-5201

Date: August 18, 2006

Respectfully submitted,



Mark B. Wilson
Reg. No. 37,259
Attorney for Applicants

TRANSMITTAL FORM

Application Number: 10/550,820
 Filing Date: September 23, 2005
 First Named Inventor: Michael BUSCHLE
 Art Unit: Unknown
 Examiner Name: Unknown

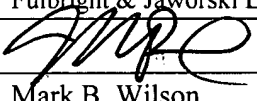
Total Number of Pages in this Submission : _____ Attorney Docket Number: SONN:077US

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Form PTO-1449 <input type="checkbox"/> References _____ <input type="checkbox"/> Foreign Search Report <input type="checkbox"/> Certified Copy of Priority Documents <input checked="" type="checkbox"/> Reply to Missing Parts/Requirements <input checked="" type="checkbox"/> Reply to Missing Parts/Requirements <input type="checkbox"/> Declaration(s) _____ <input checked="" type="checkbox"/> Copy of Notice of Missing Parts/Requirements	<input type="checkbox"/> Drawings(s) _____ <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Statement under 37 CFR §3.73(b) <input type="checkbox"/> Designation of Patent Practitioners <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below) <input type="checkbox"/> Check in the amount of \$ <input checked="" type="checkbox"/> Authorized to be charged to deposit account if check insufficient or inadvertently omitted Deposit account number: <u>50-1212/SONN:077US</u> <input checked="" type="checkbox"/> Sequence Statement <input checked="" type="checkbox"/> Paper Copy of Sequence Listing <input checked="" type="checkbox"/> Computer Readable Form (CRF) <input checked="" type="checkbox"/> Postcard <input type="checkbox"/> _____ <input type="checkbox"/> _____
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Remarks:

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Fulbright & Jaworski L.L.P.	Customer Number	32425
Signature			
Printed Name	Mark B. Wilson	Reg. No.	37,259
Date	August 18, 2006		

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NUMBER EV 414867397 US

DATE OF DEPOSIT August 18, 2006



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/550,820	Michael Buschle	SONN:077US

INTERNATIONAL APPLICATION NO.

PCT/EP04/03029

I.A. FILING DATE	PRIORITY DATE
03/22/2004	03/24/2003

32425
 FULBRIGHT & JAWORSKI L.L.P.
 600 CONGRESS AVE.
 SUITE 2400
 AUSTIN, TX 78701

CONFIRMATION NO. 8341

371 FORMALITIES LETTER



OC000000019313370

Date Mailed: 06/19/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 09/23/2005
- Copy of the International Search Report filed on 09/23/2005
- Preliminary Amendments filed on 09/23/2005
- Biochemical Sequence Diskette filed on 09/23/2005
- Biochemical Sequence Listing filed on 09/23/2005
- U.S. Basic National Fees filed on 09/23/2005
- Substitute Specification filed on 09/23/2005
- Assignment filed on 09/23/2005
- Priority Documents filed on 09/23/2005
- Specification filed on 09/23/2005
- Claims filed on 09/23/2005
- Abstracts filed on 09/23/2005
- Drawings filed on 09/23/2005
- Paper nucleotide sequence listings filed on 09/23/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the

missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130 Surcharge.**
- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov**

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PATRICIA A BOOKER

Telephone: (703) 308-9140 EXT 204

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/550,820	PCT/EP04/03029	SONN:077US